

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

REDLANDS UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2013110303

ORDER DENYING REQUEST FOR  
CONTINUANCE

On February 2, 2014, Student filed an Amended Complaint naming Redlands Unified School District (District). On February 18, 2014, OAH issued a Scheduling Order setting a prehearing conference on April 4, 2014, and a due process hearing on April 10, 2014, continuing day to day Monday through Thursday as needed at the discretion of the Administrative Law Judge.

On March 31, 2014, District filed a motion requesting the due process hearing be continued to May 28-29, 2014 and June 2-3, 2014. District's motion was supported by counsel's declaration in which she declared she was a sole practitioner scheduled for a due process hearing beginning on April 23, 2014, in OAH case number 2013100045 and that she was scheduled for a vacation May 22-26, 2014. District contends that a continuance is necessary because its administrator has other commitments on April 10, 2014, and April 16-22, 2014, and the East Valley SELPA Director is not available on April 14, 2014, because she "must appear in OAH case #2013100045"<sup>1</sup> and she is unavailable May 22-26, 2014.

Student filed an opposition on April 2, 2014. Student argued that the request for a continuance is untimely and a continuance would prejudice Student. District filed a Reply and Student filed Response on April 2, 2014.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of

---

<sup>1</sup> A prehearing conference is set on April 14, 2014 at 1:00 p.m. in OAH case #2013100045.

the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Denied. All prehearing conference and hearing dates are confirmed and shall proceed as calendared. District requests the matter be set for four days. Pursuant to the Scheduling Order the hearing will begin on April 10, 2014, and continue Monday (April 14, 2014) through Thursday (April 17, 2014) and as needed at the discretion of the Administrative Law Judge. It is not good cause for a continuance to argue that continuous dates are needed, when at all times the OAH scheduling order provided for continuous dates. From counsel's declaration, it appears she is available on those dates through April 23, 2014. There is no evidence that District is unable to have a representative present on the dates set. Accordingly, District has not demonstrated good cause to continue the due process hearing.

IT IS SO ORDERED.

DATE: April 02, 2014

/s/

---

MARIAN H. TULLY  
Administrative Law Judge  
Office of Administrative Hearings